



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**ADOPTION CAUSE NO. 249 OF 2014**

**IN THE MATTER OF THE CHILDREN ACT 2001**

**AND**

**IN THE MATTER OF BABY D S A-MINOR.**

**J O M.....1<sup>ST</sup> APPLICANT**

**AND**

**S U .....2<sup>ND</sup> APPLICANT**

**JUDGMENT**

The applicants J O M and S U are seeking to adopt baby D S A. In a sworn statement dated 24<sup>th</sup> October 2014, they state that the child is the daughter of the 1<sup>st</sup> Applicant's late brother and his late wife. The late brother is B O M and his late wife J A. Upon the death of the 1<sup>st</sup> Applicant's brother and his wife the Applicant took responsibility of child and was granted guardianship of the child by the children Court. The child has been in their custody since then and they have been her sole provider. She is now 16 years old and has consented to the adoption. The 1<sup>st</sup> applicant has deponed that he is the current *[particulars withheld]* to Egypt and is based in Cairo while the 2<sup>nd</sup> Applicant is a home manager. They state that after living with the child for more than five years it is in the best interest of the child to get an adoption order, and that if the adoption order be made the child be known as D S A.

I have read the report dated 5<sup>th</sup> November 2014 from KKPI Adoption Society on the applicants which is based on a home visit and interview conducted with the applicants. It is a favourable report. The Report from Ministry of Labour, Social Security and Services Department of Children's Services filed in Court on the 14<sup>th</sup> November 2014 is also a favourable report and recommends that the application be granted. After considering all these reports I find that the minor was orphaned and the 1<sup>st</sup> applicant was guardianship by the Court 2008. The child has been declared free for adoption under section 159 (a) (1) of the Children's Act. The child is the kin of the applicant and is the daughter of the 1<sup>st</sup> applicant's brother who died in 2002. I find that she stands to gain parents and siblings from the proposed adoption and that the adoption would be in her best interest. I therefore authorize the applicant's **J O M** and **S U** to adopt baby **D S A** a child who shall be known as **D S A**.

Orders accordingly

Dated, signed and delivered this **27<sup>th</sup> November 2014**

**R. E . OUGO**

**JUDGE**

In the Presence of:

.....The Applicant

.....Court Clerk